

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

TORREY TERRANCE GREGORY,

Petitioner,

v.

6:13-cv-92

BRAD HOOKS,

Respondent.

ORDER

Torrey Terrance Gregory has filed a Notice of Appeal with the Court. ECF Nos. 28; 33. The Court construes the notice as a request for a Certificate of Appealability ("COA"). See *Edwards v. United States*, 114 F.3d 1083, 1084 (11th Cir. 1997).


"Before an appeal may be entertained, a prisoner who was denied habeas relief in the district court must first seek and obtain a COA . . ." *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003); see 28 U.S.C. § 2253(c). The Court will issue a COA "where a petitioner has made a substantial showing of the denial of a constitutional right." *Miller-El*, 537 U.S. at 336 (internal quotations omitted); see 28 U.S.C. § 2253(c)(2). Petitioner "must show that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Miller-El*, 537 U.S. at 336 (internal quotations omitted).

The Magistrate Judge's Report and Recommendation ("R&R") properly

concluded that Hooks's petition is untimely, and he raises no other issues for appeal. ECF No. 16 at 2-4. The Court finds no issues that reasonable jurists could debate, and therefore ***DENIES*** the request for COA.

The Court, sua sponte, also ***DENIES AS MOOT*** any motion to proceed *in forma pauperis*.

This 16 day of April 2014.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA